

World Heritage Sites and Indigenous Peoples' Rights

Edited by Stefan Disko and Helen Tugendhat

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World Heritage Sites and Indigenous Peoples' Rights

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Contents

Map of Case Study Locations	x
--	---

Foreword

<i>Victoria Tauli-Corpuz, UN Special Rapporteur on the Rights of Indigenous Peoples</i>	xii
---	-----

Preface

<i>Annie Ngalmirama, Chairperson, Gundjeihmi Aboriginal Corporation</i>	xv
---	----

Acknowledgements	xvii
-------------------------------	------

Contributors	xviii
---------------------------	-------

PART I – BACKGROUND ARTICLES

World Heritage Sites and Indigenous Peoples' Rights: An Introduction <i>Stefan Disko, Helen Tugendhat and Lola García-Alix</i>	3
Indigenous Peoples and Protected Areas: Towards Reconciliation? <i>Marcus Colchester</i>	39
Indigenous Peoples' Heritage and Human Rights <i>Jérémie Gilbert</i>	55
World Heritage, Indigenous Peoples, Communities and Rights: An IUCN Perspective <i>Peter Bille Larsen, Gonzalo Oviedo and Tim Badman</i>	65

PART II – CASE STUDIES

Europe

The Laponian World Heritage Area: Conflict and Collaboration in Swedish <i>Sápmi</i> <i>Carina Green</i>	85
--	----

Africa

The Sangha Trinational World Heritage Site: The Experiences of Indigenous Peoples <i>Victor Amougou-Amougou and Olivia Woodburne</i>	103
--	-----

'We are not Taken as People': Ignoring the Indigenous Identities and History of Tsodilo Hills World Heritage Site, Botswana <i>Michael Taylor</i>	119
Kahuzi-Biega National Park: World Heritage Site versus the Indigenous Twa <i>Roger Muchuba Buhereko</i>	131
Bwindi Impenetrable National Park: The Case of the Batwa <i>Christopher Kidd</i>	147
Ignoring Indigenous Peoples' Rights: The Case of Lake Bogoria's Designation as a UNESCO World Heritage Site <i>Korir Sing'Oei Abraham</i>	163
A World Heritage Site in the Ngorongoro Conservation Area: Whose World? Whose Heritage? <i>William Olenasha</i>	189

Asia

Western Ghats of India: A Natural Heritage Enclosure? <i>C.R. Bijoy</i>	223
Indigenous Peoples and Modern Liabilities in the Thung Yai Naresuan Wildlife Sanctuary, Thailand: A Conflict over Biocultural Diversity <i>Reiner Buergin</i>	245
Shiretoko Natural World Heritage Area and the Ainu People <i>Ono Yugo</i>	269

Australia and Pacific

<i>Pukulpa pitjama Ananguku ngurakutu</i> – Welcome to Anangu Land: World Heritage at Uluru-Kata Tjuta National Park <i>Michael Adams</i>	289
No Straight Thing: Experiences of the Mirarr Traditional Owners of Kakadu National Park with the World Heritage Convention <i>Justin O'Brien</i>	313
Rainforest Aboriginal Peoples and the Wet Tropics of Queensland World Heritage Area: The Role of Indigenous Activism in Achieving Effective Involvement in Management and Recognition of the Cultural Values <i>Henrietta Marrie and Adrian Marrie</i>	341
The Tangible and Intangible Heritage of Tongariro National Park: A Ngāti Tūwharetoa Perspective and Reflection <i>George Asher</i>	377
Rapa Nui National Park, Cultural World Heritage: The Struggle of the Rapa Nui People for their Ancestral Territory and Heritage, for Environmental Protection, and for Cultural Integrity <i>Erity Teave and Leslie Cloud</i>	403

North America

- Protecting Indigenous Rights in Denendeh: The Dehcho First Nations and Nahanni National Park Reserve
Laura Pitkanen and Jonas Antoine 423
- The Pimachiowin Aki World Heritage Project: A Collaborate Effort of Anishinaabe First Nations and Two Canadian Provinces to Nominate a World Heritage Site
Gord Jones..... 441

South America

- A Refuge for People and Biodiversity: The Case of Manu National Park, South-East Peru
Daniel Rodriguez and Conrad Feather..... 459
- Canaima National Park and World Heritage Site: Spirit of Evil?
Iokiñe Rodríguez..... 489
- 'We Heard the News from the Press': The Central Suriname Nature Reserve and its Impacts on the Rights of Indigenous and Tribal Peoples
Fergus MacKay..... 515

PART III – APPENDICES

Appendix 1

- African Commission on Human and Peoples' Rights Resolution 197 on the Protection of Indigenous Peoples' Rights in the Context of the World Heritage Convention 528

Appendix 2

- World Conservation Congress Resolution 5.047 on the Implementation of UNDRIP in the Context of the World Heritage Convention..... 530

Appendix 3

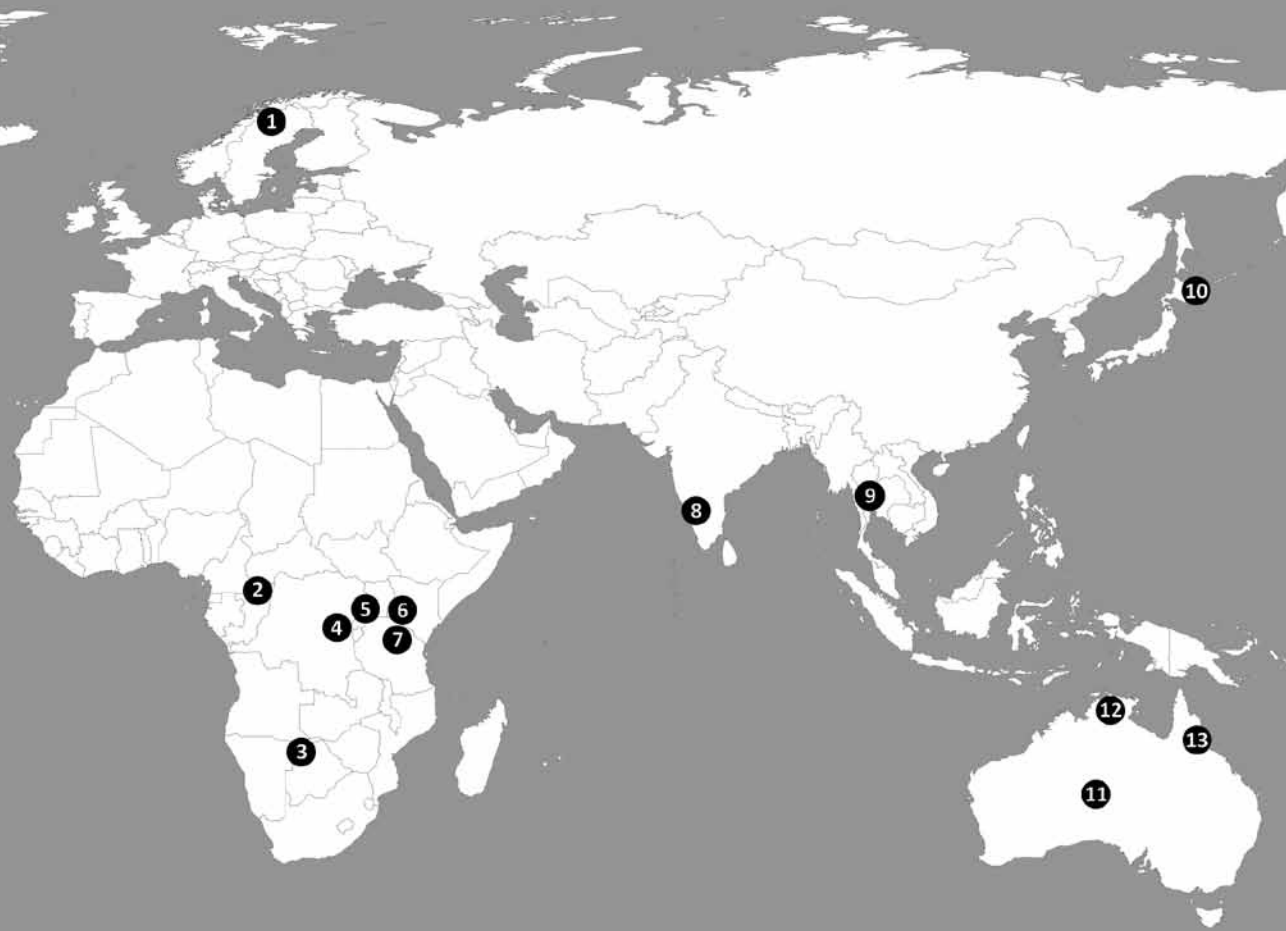
- Call to Action of the International Expert Workshop on the World Heritage Convention and Indigenous Peoples, Copenhagen, 2012..... 533

Appendix 4

- Report of the UN Special Rapporteur on the Rights of Indigenous Peoples to the UN General Assembly, 2012 (Excerpt) 539

Appendix 5

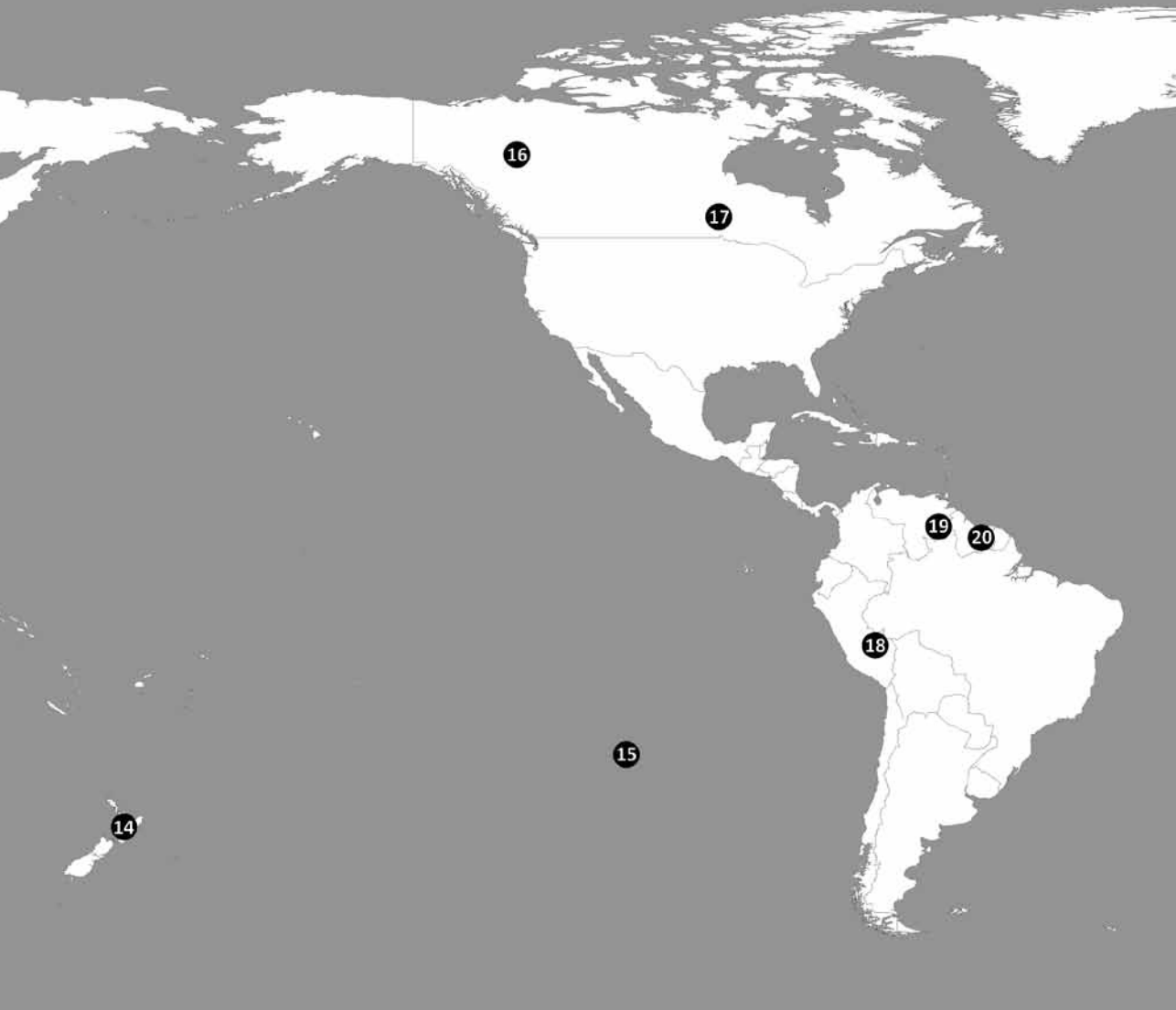
- Letter of the UN Special Rapporteur on the Rights of Indigenous Peoples to the World Heritage Centre, 2013 543



Case study

World Heritage sites

- ① Laponian Area (Sweden)
- ② Sangha Trinational (Cameroon / Central African Republic / Congo)
- ③ Tsodilo (Botswana)
- ④ Kahuzi-Biega National Park (Democratic Republic of the Congo)
- ⑤ Bwindi Impenetrable National Park (Uganda)
- ⑥ Kenya Lake System in the Great Rift Valley (Kenya)
- ⑦ Ngorongoro Conservation Area (Tanzania)
- ⑧ Western Ghats (India)
- ⑨ Thungyai-Huai Kha Khaeng Wildlife Sanctuaries (Thailand)
- ⑩ Shiretoko (Japan)
- ⑪
- ⑫
- ⑬



- 11 Uluru-Kata Tjuta National Park (Australia)
- 12 Kakadu National Park (Australia)
- 13 Wet Tropics of Queensland (Australia)
- 14 Tongariro National Park (New Zealand)
- 15 Rapa Nui National Park (Chile)
- 16 Nahanni National Park (Canada)
- 17 Pimachiowin Aki (Canada)
- 18 Manú National Park (Peru)
- 19 Canaima National Park (Venezuela)
- 20 Central Suriname Nature Reserve (Suriname)





No Straight Thing: Experiences of the Mirarr Traditional Owners of Kakadu National Park with the World Heritage Convention

Justin O'Brien¹

*Aus so krummen Holze, als woraus der Mensch gemacht ist, kann nichts ganz Gerades gezimmert werden.*²

Introduction

Since the mid-1990s, the Mirarr people of Kakadu National Park and Western Arnhem Land in Australia have actively fought against the expansion of uranium mining on their traditional

1 The author acknowledges, along with Alon Confino, that, 'memory is a malleable understanding of the past that is different from history because its construction is not bounded by a set of limiting disciplinary rules' (Confino 2006, p. 75). He has, nevertheless sought in his research and writing to arrive at an objective view of these events, particularly by drawing on sources other than his own or the Corporation's, but acknowledges that a degree of political bias in interpreting key events and the motivations of particular actors is unavoidable. The author thanks his friend and colleague Dr James Warden whose advice and assistance with this paper was both valuable and appreciated.

2 The quote, "Out of the crooked timber of humanity no straight thing can ever be made", derives from Immanuel Kant's "Idea for a Universal History with a Cosmopolitan Purpose".

lands at Jabiluka.³ From 1997 to 1999, a major focus of their campaign was in the deliberations of the UNESCO World Heritage Committee (the Committee), during which the community sought Kakadu's inscription on the List of World Heritage in Danger on the grounds of environmental and cultural threats posed by the mine proposal. This paper explores the political experience of the Mirarr with the World Heritage Convention, which, they argued, "must be seen as protecting one of the few remaining islands of traditional culture from the relentless forces of development".⁴ In opposition to the State Party, Australia (itself a Committee member at the time) but strongly supported by NGOs and the Committee's expert advisory bodies, IUCN and ICOMOS, the Mirarr brought a forceful and media-focussed campaign against Jabiluka into UNESCO, placing hitherto unprecedented public scrutiny on the standing of Indigenous peoples and the effectiveness of the World Heritage Convention to protect World Heritage.

No other single Indigenous group has lobbied the World Heritage Committee so intensely, networked so effectively or so challenged the Convention and its administration. The Mirarr led an unprecedented public examination of the Committee's decision-making and the role of its expert advisory bodies with "an intricate set of alliances with environmental NGOs, anti-nuclear activists, and influential organizations".⁵ The Committee was unaccustomed to and unprepared for such scrutiny and initially scrambled for an effective response, deciding in 1998 to send a special mission to Kakadu to directly investigate the matter. In contrast was the Australian government's speedy reaction to what it regarded as a threat to its state sovereignty, marked by cynical and clandestine lobbying of other State Parties and Committee members. Ultimately, the consensus among Committee members was not to directly intervene in Australia's management of Kakadu, revealing the true extent to which the Committee was willing to protect heritage when a State Party was intent on destroying it. Critical questions raised by the Kakadu debate remain unanswered, as was highlighted in a recent summary of the debate.⁶ This continuing uncertainty and the all-important role of the expert advisory bodies and staff of the World Heritage Centre, who often played a critical mediating role during the debate, may serve as an important guide to other Indigenous groups seeking redress in the Convention for similar challenges to their traditional lands, cultural rights and political integrity.

Kakadu National Park

The area that would ultimately become Kakadu National Park had been earmarked for such a future as early as 1965, when the Northern Territory Reserves Board sought approval for a

3 The Ranger uranium mine and Jabiluka deposit are today under the ownership of Rio Tinto subsidiary Energy Resources of Australia (ERA). Rio acquired a controlling interest in ERA in August 2000.

4 GAC 1998, p. 15. Focussing as it does on the processes undertaken by the Mirarr, relevant policies of the World Heritage Committee itself are not addressed in any detail in this piece.

5 Altman 2012, p. 71.

6 Cameron and Rössler 2013. See also Logan 2013.



*Rock art at Burrungui (Nourlangie Rock), Kakadu National Park.
Photo: Hansjoerg Morandell (CC BY-NC-SA 2.0)*

declaration from the Northern Territory Administrator.⁷ The park was ultimately declared under the federal *National Parks and Wildlife Conservation Act 1975* in three stages between 1979 and 1991.⁸ World Heritage inscriptions of the declared areas duly followed in 1981, 1987 and 1992. From the beginning, Kakadu was inscribed on the World Heritage List for both its natural and cultural values.

Kakadu covers approximately 19,800 square kilometres of the so-called 'Top End' of Australia's Northern Territory. It is some 150 kilometres north to south and 120 east to west, and Australia's largest national park. Darwin, the capital of the Northern Territory, is some 250 kilometres to the west and, to the east, lies the vast Arnhem Land plateau.⁹ Climatically, Balanda (European Australians) think of three tropical seasons, namely, the monsoonal 'wet', the 'dry' and the (humid)

⁷ Lawrence 2000, p. 45.

⁸ Director of National Parks 2007, p. 6.

⁹ In 1931 the massive Arnhem Land region, close to 100,000 km² in size, was gazetted an Aboriginal reserve. The reserve lies immediately east of Kakadu, from which it is divided in the north by the East Alligator River.

'build-up'.¹⁰ Local Indigenous people, Bininj,¹¹ see six distinct seasons marked by sometimes quite subtle natural signs.¹² Kakadu's varied landscape comprises tidal flats and mangrove forests, floodplains and billabongs, savannah woodland, monsoon forests, hills and ridges and, to the east, the dominant sandstone escarpment. The speciation and biodiversity is rich with 77 mammals (one quarter of the Australian total), 132 reptiles, 27 frogs, 346 fish, over 2,000 plants, 10,000 described insects and 271 birds (a third of the national total).¹³

Kakadu is, however, first and foremost a living cultural landscape in the truest sense of that phrase (although it is not inscribed by the World Heritage Committee as such). It is host to a rich, ancient and abiding Indigenous cultural heritage, evidenced by hundreds of thousands of prehistoric rock art paintings, dreaming tracks and sites of cultural significance, whose age-old stories have been handed down from tens of thousands of years ago to the present day. Inextricably linked to their land via complex totemic and kinship obligations, Bininj landowners have two leading responsibilities – looking after country (*gunred*) and looking after people (*guhpleddi*). These obligations are intrinsically linked and encompass a complex set of relationships and cultural obligations between landowners, their country and other Bininj.¹⁴

The Indigenous occupancy of the region stretches back some 60,000 years, as evidenced by one of Australia's oldest human occupation sites, traditionally known to archaeologists as Malakunanja II and to the Kakadu Indigenous community as Madjedbebe.¹⁵ The site, located at the base of a sandstone outlier and replete with traditional rock art covering a wide range of styles and time periods, is within the Jabiluka mineral lease, itself entirely surrounded by the national park.

Kakadu has always, it seems, courted controversy. Even its very inscription as a World Heritage site was caught up in debate when, outside the World Heritage Committee's fifth session at the Sydney Opera House in 1981, "a massive demonstration by Australia's Aboriginal people" decried the listing as "the traditional landowners of Kakadu ... felt that they had not been properly respected".¹⁶ Aboriginal observers were allowed into the meeting and during the Kakadu debate lifted placards, some of which read "Where are the Aboriginal delegates?", "We can't proclaim uranium mines World Heritage areas" and "Our heritage, no uranium mining in Kakadu".¹⁷ Later stages of the Park's declaration were similarly controversial, with the opposition of the Northern Territory Government especially strident. In the late 1990s, attention on proposed uranium mining

10 The term 'Balanda' derives from 'Hollander' and stems from the Dutch colonisation of the Indonesian archipelago, from people (the Macassans) who traded with Bininj for centuries prior to the European conquest of the Australian landmass.

11 The term 'Bininj' is a local term used to refer to Aboriginal people generally. Bininj (denoting 1. person, human being; 2. Aboriginal person; and 3. man) is pronounced 'bi-niny' or 'binning', or in the International Phonetic Alphabet 'bini'. See Bininj Gunwok Project 2013, entry for 'Bininj'.

12 Within each of the six seasons there are more subtly defined sub-seasons, namely, the beginning, middle and end of each season.

13 Unfortunately, feral animals and invasive plants have also arrived in considerable numbers and present significant ongoing difficulties for park management.

14 Masterson 2010, p. 17.

15 Roberts, Jones and Smith 1990, pp. 153-156.

16 von Droste 2009, p. 8.

17 von Droste 2009, p. 11.

meant Kakadu again openly challenged the integrity of the World Heritage Committee, perhaps like no other site has done, as the then Director of the World Heritage Centre has described:

“In the history of UNESCO’s World Heritage Convention no other mining case has been so complex, controversial and of worldwide public attention than the intended uranium mining on Aboriginal land in the Jabiluka enclave of Kakadu National Park in the Northern Territory of Australia...”¹⁸

Uranium mining

Mining was unilaterally imposed upon the Aboriginal community of what would become Kakadu National Park via measures undertaken by successive federal governments over a decade, eventuating in a mining agreement for the Ranger uranium mine signed by the Northern Land Council (NLC) in 1978.¹⁹ Ranger was, by any reckoning, a done deal well ahead of any reference to the traditional landowners, with export contracts to at least Japan issued in 1972, federal ownership of 50% of the mine secured in 1974, repeated supply commitments to overseas purchasers throughout the 1970s and the denial in 1976 of the otherwise customary Aboriginal capacity to veto the development.²⁰ The move to proclaim the surrounding Kakadu National Park was concurrent with the push for mining at Ranger and, notably, the government purposefully stalled the former until the latter was secured.²¹ Following the execution of the mining agreement and national park lease on 3 November 1978, authorities and miners were free to turn their attention to the next prospect, the proposed Jabiluka uranium mine, a deposit some 20km north of the Ranger deposit discovered in June 1971 and which dwarfed Ranger in both volume and grade of uranium.²² In the wake of the Ranger agreement, a sober and ultimately accurate assessment of Kakadu was made by Friends of the Earth, Australia:

18 von Droste 2009, p. 2.

19 The NLC is a statutory authority of the federal government established by the *Aboriginal Land Rights (Northern Territory) Act 1976* to represent Indigenous landowners in transactions regarding their land, including land claims and mining and other land use negotiations. The historical aspect of the debate over uranium mining in the Kakadu region has been extensively dealt with elsewhere, including O’Brien 2003; Trebeck 2009; and Scambary 2013. For the present purposes it should be recognised that as a territory of the federal government with low political exposure (the entire current population of the Northern Territory today is a mere 230,000), it was feasible for the government to implement Aboriginal land rights there. Due to decisions aimed at administrative expediency, land rights sadly became the vehicle through which the government pursued and executed its mining agenda in Kakadu.

20 The capacity under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Commonwealth statute) to veto proposed development on Aboriginal land was and remains enjoyed by all other Aboriginal groups in the Northern Territory except the Mirarr people in the case of the Ranger mine proposal, their veto powers over this proposal being denied via express provision within the Act.

21 Anthony 1978. The Cabinet submission, which was adopted, bluntly rejected Indigenous aspirations for the national park agreement to be concluded separately to that for the Ranger mine, applying pressure for the speedy conclusion of negotiations over mining.

22 Grey 1994, p. 37. The Jabiluka deposit also contains a considerable amount of gold.

“Since the setting up of the Ranger Inquiry which heard their land claim, the Aboriginal people have received only part of the land they claim, a National park whose benefit to them is largely a matter for the discretion of a Commonwealth Government official, and the prospect of a number of uranium mines in what should then be called a controlled disaster zone rather than a National park.”²³

Negotiations over Jabiluka were initially frustrated and yet ultimately facilitated by a second land claim in the region, with talks commencing in January 1981 at a meeting where Bininj were told that the Northern Land Council would discuss *only* the land claim with Jabiluka’s prospective mining company, Pancontinental Mining. On the very evening of the meeting, notwithstanding this express commitment, the NLC sent a telegram to Pancontinental triggering negotiations for the proposed Jabiluka uranium mine. In June 1982, amid extreme duress culminating in an intense 10-day ‘bargaining session’, the Northern Land Council (purporting to represent local Indigenous interests) entered into a mining agreement with Pancontinental Mining for the development of Jabiluka.²⁴

The Mirarr oppose Jabiluka on environmental and cultural grounds and reject the 1982 agreement, and have consistently claimed that Jabiluka’s development “will destroy the unique source of Mirarr language, culture, sacred sites and living tradition”.²⁵ The foremost cultural concern is the protection of the Boyweg-Almudj Sacred Site Complex within the mineral lease.²⁶ Jabiluka’s development was thwarted, however, the following month when the national conference of the Australian Labor Party arrived at a new national policy on uranium mining. After a bitter and divisive debate, the final position, among other things, precluded the development of new uranium mines, in effect permitting existing mines (including the Ranger mine, although it was not named) to continue but preventing the development of the Jabiluka deposit.²⁷ The fundamentals of what became known as the ‘three mine uranium policy’ remained intact throughout the 13 years of the Labor Party’s tenure in government from 1983 to 1996, ensuring Jabiluka was not developed during this time. In March 1996, a Liberal-National conservative coalition led by John Howard formed a new federal government and promptly announced the scrapping of the restrictive uranium policy. With this, the battle to prevent mining at Jabiluka recommenced for the Mirarr and their civil society campaign colleagues across Australia and the globe.

Within four months of the election of the Howard government, the new Environment Minister, Senator Robert Hill, was proudly taking credit for advancing the Jabiluka mine proposal.²⁸ Toward

23 Lawrence 2000, p. 105.

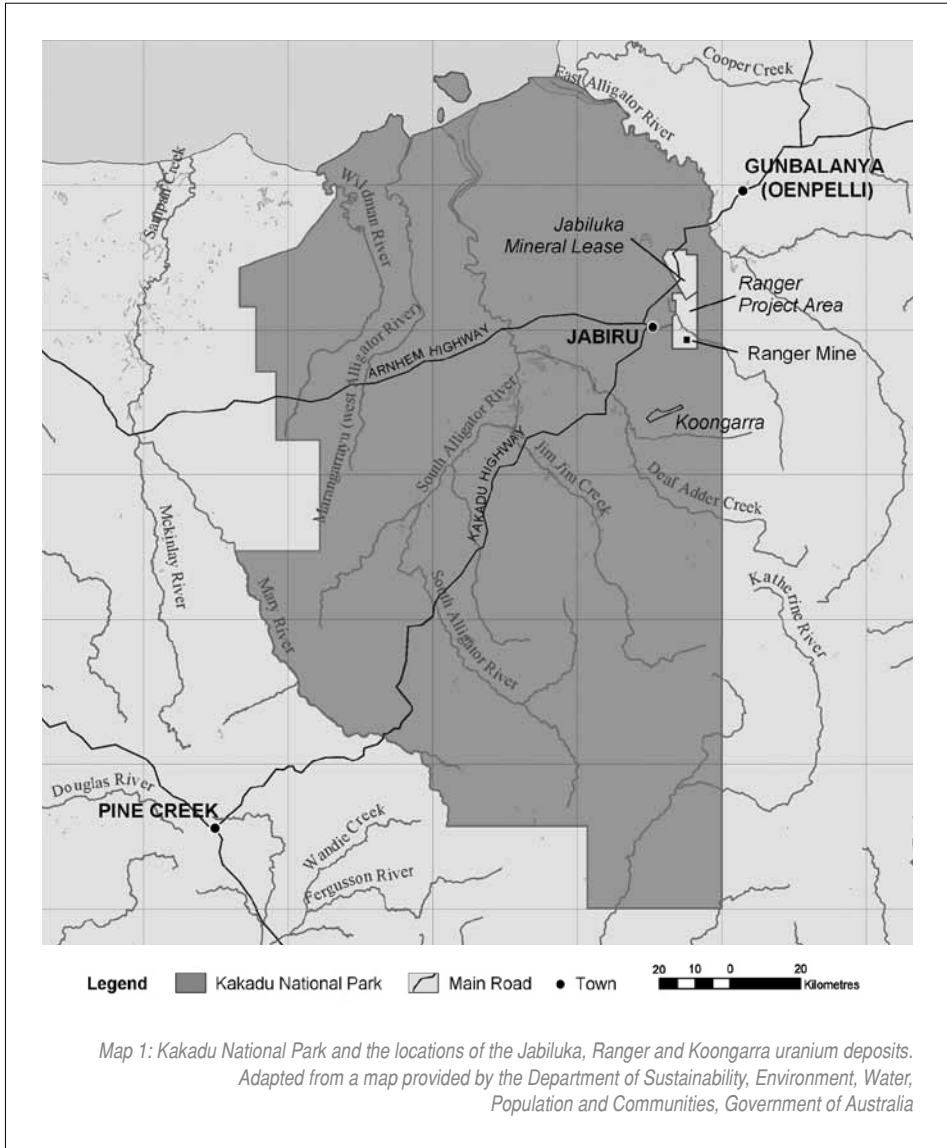
24 In the early 1990s Pancontinental sold its mining lease to Jabiluka to Energy Resources of Australia, a company which already owned and ran the nearby Ranger mine.

25 GAC 1999, p. 8.

26 GAC 1998, pp. 12-13. The Mirarr contest the validity of the 1982 Jabiluka agreement on the grounds that it was negotiated under extreme duress and involved unconscionable conduct on the part of the federal government and the Northern Land Council. See GAC 1997b, p. 19 ff.

27 Panter 1991, p. 7. The federal executive’s control over the issuing of export permits was the mechanism by which it controlled the number of operational uranium mines.

28 Hill 1996.



the end of 1997 the Resources Minister, Senator Warwick Parer, announced he had “cleared the way for the Jabiluka uranium project to proceed”.²⁹ The renewed threat to Mirarr country roughly coincided with the establishment of a new local representative body for the Mirarr. In July 1995, frustrated at the recurrent waste (on, inter alia, bad debt and exorbitant management costs) of

²⁹ Parer 1997.

mining royalty income from the Ranger mine by the then royalty receiving entity, the Gagudju Association, the Northern Land Council incorporated a new Aboriginal corporation to represent Mirarr interests. Unlike Gagudju, the membership of which comprised over a dozen clans, the Gundjeihmi Aboriginal Corporation or GAC (so named after the traditional language of the Mirarr) was comprised solely of and directly accountable to Mirarr traditional owners.³⁰ The new corporation quickly found itself pitted in a struggle to protect Jabiluka's sacred lands from uranium mining. By the end of the year, Mirarr senior traditional owner, Yvonne Margarula, had appointed a new executive officer to the corporation, the outspoken and compelling Jacqui Katona.³¹ With a forthright and gifted radicalism, coupled with a great capacity to network across traditional cultural and organisational divides, Katona perfectly complemented the understated but discerning traditional Aboriginal mien of Yvonne Margarula. Supported by GAC staff and NGO campaign colleagues, they led an unprecedentedly high-profile campaign to protect Jabiluka from mining, travelling Australia and the world and securing numerous prestigious awards and widespread civil society support. With a national speaking tour, protest actions in the Northern Territory and Australia's major cities, significant media coverage and the strong support of civil society, they literally made 'Jabiluka' a household name in Australia.

Throughout 1997 and 1998, other domestic and international campaign initiatives against Jabiluka were carried out and secured significant media coverage and political concessions for the Mirarr in their bid to prevent the development. In 1997 a coordinated national campaign instigated by Mirarr via the Gundjeihmi Corporation and major national environmental NGOs, primarily the Australian Conservation Foundation, The Wilderness Society and Friends of the Earth, was bearing significant fruit.³² Minor political parties, the Australian Democrats and the Australian Greens, had joined the public opposition to the Jabiluka proposal in its early days and were to remain strong supporters throughout the years ahead.³³ A well-coordinated blockade of the Jabiluka mine site from March to October 1998 drew over 5,000 protesters from across Australia and the world to join the Mirarr in their struggle. Over 530 protesters were arrested during the eight-month peaceful blockade of the mining site.³⁴ With its mix of Indigenous rights, environmental and anti-nuclear activism, the Jabiluka blockade quickly became a lightning rod for the progressive left in Australian

30 The spelling of the corporation's name was formally altered in 2002 from 'Gundjehmi' to 'Gundjeihmi', in line with the standard orthography developed for the Gundjeihmi language. The spelling of the clan name Mirarr was similarly altered (from Mirrar to Mirarr) to reflect standard orthography. The contemporary spellings are used throughout.

31 An Indigenous woman of Kakadu heritage (Djok clan) with family connections to the Mirarr, Katona had previously worked on the two seminal Indigenous political milestones in the latter part of the twentieth century, the Royal Commission into Aboriginal Deaths in Custody (1987-91) and the 'Bringing Them Home' National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (1995-97).

32 Mirarr received support from a wide variety of NGOs and professional representative bodies internationally, encompassing the medical profession, unions, universities, anti-nuclear groups, Indigenous rights organisations, peace and a large number of environmental groups.

33 The 1999 Senate inquiry into Jabiluka was a prime example of this political support.

34 The blockade was operated by a central committee of NGO representatives and protestors acting on the instructions of the Gundjeihmi Aboriginal Corporation. The campaign brought the issue of uranium mining in Kakadu into the headlines and swayed public opinion such that, by 1998, a Newspoll survey found that 67% of Australians opposed the mining proposal.



Yvonne Margarula and Jacqui Katona lead a Jabiluka blockade march through Kakadu National Park in 1998.

Photo: Clive Hyde

politics, particularly given the vexation among the left at the obstinacy of the Howard government on environmental issues and over recognising the rights of Indigenous Australians. Indeed, the government's approach to the Jabiluka controversy was considered, by at least one prominent commentator, to be "an unmistakable test of the new Government's commitment to reconciliation with Aboriginal people".³⁵ For many, the government failed that test.

From its inception, the Mirarr campaign focussed on cultural, social and environmental protection in the context of the Kakadu's World Heritage status. Publicly restating her opposition to Jabiluka in June 1997, Yvonne Margarula requested that an assessment of the social impact of mining be completed "independently of government, land council and mining interests", underlining the Mirarr lack of faith in the jurisdictional arrangements determined by government.³⁶ The campaign differentiated itself from previous major Australian environmental campaigns with its extensive and vociferous emphasis on the cultural rights of Kakadu's original owners. These rights, it was argued, had been ignored, misrepresented or impaired by what Mirarr regarded as discriminatory decisions by government and corporate agencies whose authority was deemed illegitimate. A GAC media statement from 1997 entitled 'This is bullshit', in which Ms Margarula questioned the authority of

³⁵ Hamilton 1996, p. 17.

³⁶ GAC 1996.

the Alligator Rivers Region Advisory Committee, is a prime example of this emphasis.³⁷ She told committee members:

“You treat me like an animal. That is my Country, I have dreaming for that Country. What do you have, what do you know?”³⁸

The GAC were responding to the marginalisation of Indigenous people from decision-making over their traditional lands, a distinct feature of the imposition of uranium mining development on Kakadu. This negative dynamic of depriving meaningful Indigenous agency and relegating Mirarr to the role of observer-stakeholder was already recognised and had been considered by the 1984 ‘Consolidated Report on the Social Impact of Uranium Mining on the Aborigines of the Northern Territory’, prepared by the Australian Institute of Aboriginal Studies after an intensive and expert six-year study.³⁹

The Mirarr campaign had a particularly strong international focus, drawing significant overseas civil society support and the active interest of several key intergovernmental agencies. In January 1998, the European Parliament passed a resolution calling on the Australian government to “respect the status of the Kakadu National Park as a World Heritage site”, “respect the land rights of the Aboriginal Peoples” and “not to proceed with the [Jabiluka] project”.⁴⁰ By April 1998, protest organisers in Melbourne, Sydney and Brisbane had mustered over 7,000 people to march against the Jabiluka proposal.⁴¹ In July, Yvonne Margarula was awarded the inaugural Nuclear Free Future Award by an international panel of prominent authors, physicians and civil rights activists, in recognition of her tireless grassroots campaigning.⁴²

It was against this backdrop that the campaign of the Mirarr people and their supporters in (primarily) environmental NGOs turned to the World Heritage Committee, calling on the Committee to inscribe Kakadu on the List of World Heritage in Danger on the basis of threats posed by Jabiluka’s proposed development. Given the renowned standing of the World Heritage Convention and the Australian government’s pride in Australia’s long-standing role in the Convention, no other single initiative during the Jabiluka campaign stirred as much government attention and activity as the World Heritage debate. Senator Robert Hill told an Estimates hearing of the Senate in February 1999 that around one million dollars had been dedicated to preventing an ‘In Danger’ listing for Kakadu.⁴³

37 The Alligator Rivers Region Advisory Committee is a statutory forum of government, industry and NGOs addressing the environmental issues associated with uranium mining in Kakadu and is established under Part III of the *Environment Protection (Alligator Rivers Region) Act 1978* (Commonwealth statute).

38 GAC 1997a.

39 Australian Institute of Aboriginal Studies. Uranium Impact Project Steering Committee 1985, p. 130. Comprised of eminent Australian and international experts, the committee’s work was insightful. Sadly, its recommendations were largely unheeded.

40 European Parliament 1998.

41 Ceresa 1998.

42 Ryan 1998.

43 Australian Parliament 1999a. The Howard government ultimately downplayed the extent of the financial cost of defending its position on Jabiluka, later scaling down this figure substantially.

UNESCO

The first obstacle confronting the Mirarr in their bid to bring the Jabiluka dispute before the UNESCO World Heritage Committee was that they simply had no standing. The Committee is comprised solely of State Parties. At the time it also included Australia which was clearly acting against the interests of the Indigenous landowners in the Kakadu debate. From early 1997, using a Sydney-based legal representative, Bruce Donald, the GAC commenced a process of, firstly, having their independent submissions considered by the Committee and, secondly, securing observer status at Committee meetings via correspondence directly to the World Heritage Centre and to the Convention's expert advisory bodies, particularly IUCN and ICOMOS. The first reply from the World Heritage Centre, in February 1997, underscored the fact that State Parties were responsible for reporting on the state of conservation of World Heritage properties and therefore urged that future Mirarr communications be sent "directly to the relevant authorities within the Government of Australia", although it was recommended that copies be forwarded to the Centre, IUCN and ICOMOS.⁴⁴ Earlier considerations by IUCN of the dangers to Kakadu's status posed by Jabiluka's development proved to be invaluable to the Mirarr campaign. IUCN's initial interest had been prompted by the October 1996 session of the World Conservation Congress, during which a formal recommendation was passed noting that "mining in Jabiluka ... has the potential to damage the natural and cultural values of Kakadu" and urging "the Government of Australia to prevent the development of Jabiluka ... should it be shown that such mining would threaten the Park's World Heritage values".⁴⁵

Meanwhile, in Australia in August 1997, the federal government's environmental impact assessment had concluded that "there does not appear to be any environmental issue which would prevent the preferred Jabiluka proposal from proceeding", and Senator Hill issued 77 "strict and stringent" conditions on the mine's development. The conditions were largely technical and related to mining operations, although a number directly addressed matters of cultural concern, including the need for a cultural heritage management plan to be completed.⁴⁶

In the December 1997 World Heritage Bureau and Committee meetings in Naples, the IUCN formally conveyed its concerns regarding Jabiluka and tabled the World Conservation Congress resolution. IUCN reported that 'Australian groups' were proposing that the site be considered for the List of World Heritage in Danger.⁴⁷ Not considered at the meetings, however, was the submission on the matter from the GAC, the direct representative body of the Mirarr. In a subsequent explanation to Bruce Donald, the then World Heritage Coordinator of ICOMOS, Dr Henry Cleere, made it plain that Australian government intervention had thwarted consideration of the GAC submission. Dr Cleere explained that the Secretary General of ICOMOS, Jean-Louis Luxen, had met with the Australian delegation, the World Heritage Centre and representatives of IUCN and that Luxen had

44 Ishwaran 1997.

45 Recommendation No. 1.104, "Conservation of Kakadu World Heritage Site, Australia". See IUCN 1997.

46 Hill 1997.

47 UNESCO 1997, p. 13.

informed him "that it had been decided not to bring this before the Bureau, since it was the subject of a public enquiry and no decisions had yet been made."⁴⁸

The manner in which the World Heritage Committee declined to consider GAC's submission in 1997 was not lost on the Corporation and its campaign colleagues. The following year, in the lead up to the twenty-second session of the Bureau in June 1998, the GAC and various NGOs mounted a persistent and ultimately successful lobbying effort to secure accredited observer status. Notable among the supporters of the GAC was former Australian Prime Minister, Gough Whitlam, who wrote directly to the World Heritage Centre requesting that the GAC delegation be granted status.⁴⁹ Alongside this, environmental NGOs across Australia were individually writing to the Director of the Centre requesting the same.⁵⁰ Finally, the delegation, comprising Yvonne Margarula, Jacqui Katona and GAC staffer Christine Christophersen and Alec Marr of The Wilderness Society, was granted observer status, notwithstanding concerns raised at the meeting from the Japanese delegation that a precedent should not be set by allowing such access.⁵¹

Observer status came at a crucial time in the debate, enabling Mirarr representatives and their supporters to maximise the support of the advisory bodies in direct lobbying of State Parties at the June 1998 Bureau meeting. The Bureau was informed of correspondence from "the lawyer for the Mirarr Aboriginal people" (Bruce Donald) which referred to the Bureau and Committee responses on the state of conservation of Kakadu at the twenty-first sessions as "entirely unsatisfactory" and of a submission from four eminent Australian scientists highly critical of the quality and process of Jabiluka's environmental impact assessment and calling for a new assessment.⁵² The support of the distinguished Australian pre-historian, John Mulvaney, with his long association with both the international heritage community and the convention itself, as well as the respect he commanded at the World Heritage Committee, was also important at this time.⁵³ The secretariat and chairperson also referred to the "many letters they had received which expressed concern about the state of conservation of Kakadu National Park and called for the inclusion of Kakadu on the List of World Heritage in Danger".⁵⁴ IUCN presented a statement to the Bureau in which it reminded State Parties of the 1996 World Conservation Congress resolution, referred to a June 1998 draft policy on "mining and associated activities in relation to protected areas" adopted by

48 Cleere 1997.

49 Whitlam 1998.

50 The Wilderness Society 1998.

51 UNESCO 1998a, p. 2. The Chairman replied to these Japanese concerns "by stressing that the decision of the Bureau would not constitute a binding precedent as the Rules of Procedure clearly allow the World Heritage Committee and its Bureau to decide on the participation at each meeting".

52 *Ibid.*, p. 14. The four scientists, Professor R. J. Wasson, Professor I. White, Dr B. Mackey (all of the Australian National University) and Mr M. Fleming (consulting eco-hydrologist), originally wrote to the World Heritage Committee on 22 June 1998. Their correspondence was ultimately incorporated into a formal submission to the 1998 UNESCO Mission to Kakadu (Wasson et al. 1998).

53 Mulvaney would later provide additional important assistance to the Mirarr in their efforts, releasing previously unpublished rainfall data (critical to the accurate prediction and impact of severe weather events) from the community of Gunbalanya (or Oenpelli) in the vicinity of the Jabiluka site in his submission to the 1998 Mission to Kakadu. See also Mulvaney 1998.

54 UNESCO 1998a, p. 14.

IUCN's World Commission on Protected Areas, and stated that IUCN was "not in possession of information on the 77 conditions set by the Australian Government" on the Jabiluka's development and was therefore "unable to make any assessment of their adequacy or otherwise".⁵⁵ Critically, the IUCN statement concluded: "if invited to do so and provided with the necessary information and resources to support a multi-disciplinary team, IUCN would participate in a mission to assess the situation and report to the Bureau/Committee".⁵⁶

In response, the Australian delegation argued, *inter alia*, that the mine would not be within or impact upon the World Heritage area, that the Mirarr traditional owners' opposition to the mine's development was a minority position among local Aboriginal people, that the 77 conditions set on Jabiluka's development would protect the park's World Heritage values in terms of environmental impact, and that the social impacts of the development were catered for in the (government-controlled) Kakadu Region Social Impact Study (KRSIS) then underway.⁵⁷ Seeking to downplay the significance of the Boyweg-Almudj sacred site complex, the Australians were also somewhat mischievous in their interpretation of the findings of an Aboriginal Areas Protection Authority (AAPA) investigation into whether the site complex should be formally registered as a sacred site, stating that the Authority had "examined the site and has concluded that there is insufficient evidence about this site to register it as a sacred site".⁵⁸ Firstly, it was plainly misleading to focus on a single site when the Mirarr contention and the AAPA investigation related to a complex of sites focussed on the Boyweg (knob-tailed gecko) and Almudj (rainbow serpent) sacred sites and the dreaming track that connects them. Secondly, insufficiency of evidence was not the reason AAPA had declined to register the site, as was made plain in correspondence at the time, and later confirmed in evidence to the 1999 Australian Senate inquiry into Jabiluka. During that evidence, AAPA's Chief Executive Officer, David Ritchie, told the Committee that the Authority had declined to register the site because of disagreement over the extent of the site and features and stories associated with it, adding that the Authority's finding "in no way was a statement that the area was not a sacred site".⁵⁹

Despite the ardour of the Australian delegation, the Bureau, citing the "importance, complexity and sensitivity of the issue", proposed that a mission to Kakadu be undertaken, headed by the Chairperson of the World Heritage Committee, Francesco Francioni, with participation from the Director of the World Heritage Centre, Bernd von Droste, IUCN and ICOMOS.⁶⁰ In a concession

55 IUCN 1998, p. 2.

56 *Ibid.*

57 UNESCO 1998a, Annex VII. The GAC had, by this time, largely dissociated itself from the KRSIS process, arguing that it was overly influenced by a pro-development agenda, that its make-up and administration unfairly precluded Mirarr and inadequately addressed the likely social impacts specifically associated with Jabiluka's development.

58 *Ibid.*

59 Australian Parliament 1999b. AAPA is a statutory authority of the Northern Territory Government.

60 The mission comprised Professor Francesco Francioni (Chairperson of the World Heritage Committee and leader of the mission), Dr Bernd von Droste (Director, UNESCO World Heritage Centre), Dr Patrick Dugan (IUCN), Dr Patricia Parker (ICOMOS), Dr John Cook (US National Park Service) and two Australian government appointees – Professor Jon Altman and Dr Roy Green. The mission was also ultimately accompanied by two State Party Observers, namely the then Supervising Scientist, Dr Peter Bridgewater, and the First Assistant Secretary Australian and World Heritage Group of the Environment Department, Sharon Sullivan.

to the Australians, it was ultimately (later) agreed that two Australian nationals would be “invited to be permanent member[s] of the team”, with attributes including “perceived impartiality by the Australian community in relation to the public debate about uranium extraction at the Jabiluka site”.⁶¹ The mission would examine the situation, hold discussions with Aboriginal groups, including the Mirarr, officials, NGOs and Energy Resources of Australia (ERA) and report to the Bureau and Committee at their November-December 1998 sessions.⁶² Publicly, Senator Hill downplayed the significance of the mission by portraying it as “standard practice”.⁶³ Notwithstanding this modulated analysis, the World Heritage Centre proceeded with what would ultimately be “the largest-scale, most expensive mission in the history of the World Heritage process”.⁶⁴ Preparation was not trouble free, with the Australian government, via Senator Hill, successfully delaying the mission on the pretext of the announcement of a federal election, something that the mission head and Committee chairperson later said made “the preparation of the report much more difficult time-wise”.⁶⁵

Ultimately, the mission visited Australia and conducted its business from 26 October to 1 November 1998, holding meetings in both the Northern Territory and in Canberra.⁶⁶ The two Australians appointed to the mission were geologist, Dr Roy Green, and social scientist, Dr Jon Altman, notwithstanding correspondence from the GAC to the World Heritage Centre stating that Dr Altman should not be appointed given his “perceived bias towards the development of the Jabiluka uranium mine”.⁶⁷ The then Director of the World Heritage Centre, Bernd von Droste, has subsequently described his task of organising the mission (“for which the Australian government showed no enthusiasm”) as “quite an undertaking”.

“The tactic the government employed was to delay the mission to the furthest extent possible despite the fact that the Committee members had underlined its urgency. Another move was to submerge the international participants of the mission by government appointed Australian participants.”⁶⁸

The mission visited Kakadu and met with Mirarr and the Kakadu Board of Management, government officials and representatives of the mining company Energy Resources of Australia. In Darwin, the mission met with the Northern Territory government and in Canberra it met with a wide variety of senior government representatives, environment groups, industry representatives and eminent academics. Despite initial resistance from the Australian government, the Gundjeihmi Aboriginal Corporation was afforded an additional opportunity of addressing the mission in Canberra.⁶⁹

61 Wardrop 1998.

62 UNESCO 1998a, p. 14.

63 ABC 1998.

64 Aplin 2004, pp. 152–174.

65 Francioni 1998.

66 The Mission itinerary, it should be noted, was hotly debated in correspondence between the GAC, the World Heritage Centre and the Australian government, with the GAC eventually securing independent status with the Mission.

67 Katona 1998.

68 von Droste 2009, p. 22.

69 UNESCO 1998c.

The Mirarr presented a 20,000-word submission to the mission team, detailing the cultural desecration caused by the Ranger mine and the threat of a complete loss of cultural identity posed by Jabiluka's proposed development. They were allocated four hours to show the mission cultural sites on the Jabiluka Mineral Lease and their living conditions within Kakadu National Park. In their submission "the Mirarr argued that the actual and potential threats to their living tradition and culture posed by further mining on their land required that Kakadu be inscribed on the List of World Heritage In Danger".⁷⁰ During the mission's visit to the Mirarr and Gundjeihmi Corporation in Kakadu, the Australian members and observers were not permitted to attend, at the express wish of the Mirarr, leaving the Director of the Centre, Bernd von Droste, to later note that "no doubt the government and the Mirarr people were not on speaking terms."⁷¹ Archaeologist John Mulvaney has described the Australian government's management of the mission:

"It disparaged the expertise of the prestigious committee, having ensured that during its visit to Kakadu the committee's contact with critics was minimal. As a person giving evidence to that committee I can vouch for the contrivances employed by the host department to achieve that end. Nations on the World Heritage executive committee were extensively lobbied while taxpayers funded a three-week visit to Paris by the minister and several senior staffers. They secured a reversal of the recommendation."⁷²

The final report of the mission was sent to the Australian authorities on 24 November, just days ahead of the twenty-second extraordinary session of the Bureau, in Kyoto. The report provided 16 recommendations addressing the cultural, social and environmental threats posed by Jabiluka's imminent development. The first recommendation stated that the mission had "noted severe ascertained and potential dangers to the cultural and natural values of Kakadu National Park posed primarily by the proposal for uranium mining and milling at Jabiluka [and] ... therefore recommends that the proposal to mine and mill uranium at Jabiluka should not proceed".⁷³ Noting that some of Australia's "most eminent scientists" had given information as to "the unacceptably high degree of scientific uncertainties relating to the Jabiluka mine design, tailings disposal and possible impacts on catchment ecosystems", the mission applied the application of the precautionary principle, "which requires that mining operations at Jabiluka be ceased".⁷⁴ The Australian appointees to the Mission, in correspondence from Dr Jon Altman, dissented from the key Mission recommendations, including that the Jabiluka development be halted.⁷⁵ Opposed to the "no-mining statement" of the Mission report, the letter from Dr Altman argued that the Ranger mine had existed "adjacent to the

70 Fagan 1999b. Matthew Fagan, an employee of the Gundjeihmi Aboriginal Corporation, was a former adviser to the Australian Greens.

71 von Droste 2009, p. 23.

72 Mulvaney 2007, p. 159.

73 UNESCO 1998c, p. v.

74 Ibid.

75 Altman 1998.

World Heritage Area, for nearly twenty years”, that “world-class work” had been carried out there and that mining and World Heritage need not be considered as mutually exclusive.⁷⁶

There was significant jockeying by the GAC and its civil society campaign colleagues ahead of the Kyoto meetings of the Bureau and Committee, which were again attended by GAC. During his presentation on the mission to the Bureau, chairperson Francioni described how the Australian Government, in correspondence from both the Environment Minister Robert Hill and Foreign Affairs Minister Alexander Downer, had sought to have the Kakadu mission report withdrawn from the meeting’s agenda on the grounds that the government had been given insufficient time to properly consider the report.⁷⁷ Stressing that it was imperative for the mission to fulfil its mandate by presenting the report to the twenty-second session, the chairperson noted that “the Australian Government ha[d] been privy to the work of the mission since its inception” and that the mission had met with the Minister and the Secretary of Environment Australia in Canberra and expressed “in an open and candid manner what trends were emerging from the hearings and briefings”. The Chairperson said that he was of the opinion that as chairman of the Committee, he should fulfil the mandate provided at the last session of the Bureau, adding that the Bureau “is faced with an urgent situation as the construction of the mine at Jabiluka, located within an enclave excised from the World Heritage property, is proceeding.”⁷⁸ On this basis, the Bureau went on to consider the mission report.

Privately, Francioni had become “livid with anger” on hearing of the Australians’ request and “threatened to step down as World Heritage chair if Kakadu would be deleted from the agenda.”⁷⁹ Bernd von Droste later conceded that Australia had undertaken “a lobbying campaign of a magnitude never before experienced in the World Heritage Committee”.⁸⁰ In addition to its diplomatic efforts to have the mission report withdrawn from the Bureau session, the Australian Government separately wrote to von Droste arguing that the Mirarr viewpoint was a minority one that contradicted earlier (allegedly 1982) consents for mining, that mining operations would “not directly affect sites with cultural heritage values within the lease area”, and that an assessment of the “one natural site of significance” and of the social impact of the proposed development were subject to domestic processes.⁸¹

In addressing the Bureau IUCN indicated its strong support for the mission report, stating its firm belief “that the conditions exist for inscribing Kakadu on the List of World Heritage in Danger” and that a “failure to recognise the dangers would seriously undermine the standards [of] the World Heritage Convention”.⁸² ICOMOS joined IUCN in endorsing the recommendations of the mission

76 *Ibid.*, p. 2. Dr Altman’s actions during this episode of the Jabiluka debate, incongruent with his career generally, clearly escaped his attention in his recent summary of the debate. See Altman 2012, p. 60.

77 UNESCO 1998b, p. 28. See also Hill 1998, and Downer 1998.

78 UNESCO 1998b, p. 28.

79 von Droste 2009, p. 32. Von Droste considered the Australian request as a “delaying technique”.

80 *Ibid.* Elsewhere, Australia’s actions have been described as a “diplomatic offensive in the foreign capitals of Committee members to gain support for its position.” Cameron and Rössler 2013, p. 230.

81 Sullivan 1998b. This “one site of significance” was the Boyweg site, repeatedly and somewhat misleadingly referred to as ‘natural’ rather than cultural. There are, of course, several sites of great significance at Jabiluka and literally hundreds of other important archaeological sites.

82 UNESCO 1998b, Annex II.

report. The Australian delegation argued that Australia had been given insufficient time to respond to the mission report, that an initial reading suggested it contained errors of law, fact and analysis and that its recommendations were therefore “flawed and unacceptable to the Australian government”. The Australians asked the Bureau to recommend to the committee that Australia be given more time to provide a more considered response on the mission report ahead of the next Bureau session.⁸³

Chairperson Francioni referred to the responsibility of the Bureau to “implement the Convention as an instrument of international cooperation not through narrow national interpretations” and “pleaded... for reinforcement of the spirit of cooperation and fiduciary responsibilities”.⁸⁴ Following this, recommendations were drafted in closed sessions by Bureau members prior to returning to the full session of the Bureau. This was, after some two years of dialogue, decision time for the members of the Bureau, who found themselves in the middle of a particularly public and passionate debate on the extent to which international obligation could inform actions against the wishes of a sovereign government.

After a relatively brief debate the Bureau determined to provide the Australians with additional time to respond to the mission report and to grant the following Bureau meeting (the 23rd) the mandate to inscribe Kakadu on the List of World Heritage in Danger if it deemed such action necessary. The Bureau also noted “with concern that in spite of the dangers to the World Heritage values, construction of the mine at Jabiluka began in June 1998 and is currently progressing” and that “there is significant difference of opinion concerning the degree of certainty of the science used to assess the impact of the mine on the World Heritage values of Kakadu”. The Bureau recommended that the Australian authorities be given until 15 April 1999 to provide a detailed report on “their efforts to prevent further damage and to mitigate all the threats identified in the UNESCO mission report, to the World Heritage cultural and natural values of Kakadu”. Significantly, the Bureau also recommended that the Australians “be requested to direct the Australian Supervising Scientist Group to conduct a full review of the scientific issues” and that the review be submitted “to peer review by an independent scientific panel composed of scientists selected by UNESCO in consultation with the International Council of Scientific Unions and the Chairperson of the World Heritage Committee”.⁸⁵

The Committee meeting immediately following the Bureau session, under the new chairmanship of Koïchiro Matsuura of Japan, as expected, endorsed all of the Bureau’s recommendations and added two more. Firstly, an extraordinary session of the Committee would be conducted following the next Bureau meeting to consider the Australian Government’s response and determine whether or not to inscribe Kakadu on the List of World Heritage in Danger due to Jabiluka’s development. Secondly, the Committee “urged the Australian authorities and Energy Resources Australia to immediately undertake ... the voluntary suspension of construction of the mine”.⁸⁶ Several months after the Kyoto meetings a blunter, realpolitik summary of the

83 Ibid., p. 29.

84 Ibid., p. 30.

85 Ibid., pp. 31-32. The last recommendation was especially significant as it effectively dissociated the Mirarr from what would become a strictly scientific debate among ‘peers’. The full significance of this would only be realised at a later time.

86 UNESCO 1998d, p. 19.

proceedings was revealed with the leaking by the then Australian Labor Party Shadow Foreign Minister, Laurie Brereton, of “highly protected” documents showing that the government had “embarked on a \$1 million lobbying campaign to pressure key nations on the United Nations World Heritage Committee to back Australia’s right to mine at Jabiluka”.⁸⁷

The documents, which included confidential cables from the Australian Embassy in Tokyo, provided an insight into the extent of Australia’s politicisation of the World Heritage Committee, the extent of its efforts to prevent an ‘In Danger’ listing and the range of other nations involved in and/or targeted by its diplomatic effort.⁸⁸ The primary document, correspondence from the then Environment Department Secretary, Roger Beale, to his Minister, shows a government under siege from a coordinated NGO and diplomatic campaign, and determined to develop Jabiluka at all costs. Describing the need for a “coordinated, resource-intensive effort across a range of portfolios both domestically and internationally”, the correspondence outlined a comprehensive strategy to secure Australia’s objective of avoiding “a listing of Kakadu as World Heritage in Danger, while securing arrangements for ... development of the Jabiluka mine”.⁸⁹ An international lobbying strategy beyond the Committee members and “dealing with IUCN, ICOMOS and ICCROM and World Heritage Secretariat” would be developed. The Embassy cables were particularly revealing, highlighting the extent to which Australia was secretly joined by the United States in securing its diplomatic objectives, and the perceived threats to Australia’s position posed by the advisory bodies.

Third extraordinary session

The third extraordinary session of the World Heritage Committee in Paris in July 1999 was the first session in the history of the Committee “exclusively devoted to a single conservation issue”.⁹⁰ This underscored both the significance of Kakadu as a World Heritage site and the need to address long-standing unresolved issues raised by mining in or adjacent to World Heritage areas and the inscription of sites on the List of World Heritage in Danger against the wishes of the State Party.

Throughout the entire debate the Australian Government underscored the importance of its sovereign right to determine what it regarded as the appropriate response to the challenges presented by Mirarr resistance to Jabiluka. On the eve of the Committee’s consideration of the Mission report, the government went a little further with an especially baleful letter. Writing on behalf of the government to all delegates at the 22nd session of the Committee in Kyoto in November 1998, Sharon Sullivan stated that an ‘In Danger’ listing “would not be an act of respect for Australia’s sovereignty” and that to do so “may also unfortunately prevent a negotiated settlement to these complex issues”.⁹¹

87 MacDonald 1999.

88 Beale 1998.

89 *Ibid.*, p. 1.

90 Cameron and Rössler 2013, p. 145.

91 Sullivan 1998a.

In April 1999, just months prior to the third extraordinary session of the Committee, the Mirarr public campaign was boosted when Yvonne Margarula and Jacqui Katona were jointly awarded the prestigious Goldman Environmental Award for Excellence in Protecting the Environment.⁹² Also on the eve of the extraordinary session, the Australian Senate delivered a report on the mine proposal, finding (inter alia) that Jabiluka threatened the natural and cultural World Heritage values of Kakadu and recommending that the project not proceed.⁹³ Underscoring the political utility of the World Heritage Convention, the Senate report also found that a 'World Heritage in Danger' listing "may be the only way of changing the Government's present support for mining at Jabiluka."⁹⁴

April 1999 also saw the Australian Government present its detailed response to the Kakadu Mission report. In a transparent assertion of its sovereign status, the government entitled the report "Australia's Kakadu" and delivered it on 15 April following a presentation at the Australian Embassy in Paris to World Heritage Committee members, advisory body representatives and staff of the World Heritage Centre. The 140-page report was highly critical of the Mission and its findings and, across eight chapters, sought to discredit the Mirarr position on Jabiluka with, inter alia, the mischievous reinterpretation of the anthropological record to the favour of the government's mining agenda, a highly selective account of the history of uranium development at Kakadu, false and misleading interpretations of Aboriginal culture favourable to the government's position and the selective use of its own government reports on social impact.⁹⁵

The GAC responded with its own submission, detailing the extent to which the Australian Government would go in advancing its agenda, arguing that the Government had abandoned the role of independent assessor and clearly become a mining advocate.⁹⁶ The submission stressed that "the only reason the Mirarr are opposed to the development of Jabiluka is because they know it will destroy the unique source of Mirarr language, culture, sacred sites and living tradition".⁹⁷ The GAC argued that Australia misrepresented the findings of the Ranger Uranium Environmental Inquiry, denied key aspects of the history of uranium development in Kakadu, made "false and misleading" claims about Jabiluka's cultural heritage, and ignored findings of its own Kakadu Region Social Impact Study that argued against the official pro-mining government view.⁹⁸

In a setting described by the former Director of the World Heritage Centre as "the most dramatic I have seen in World Heritage", the World Heritage Committee set to work on 12 July 1999 to consider Australia's response to the Mission report, the Mirarr response to the Australian position, hundreds of pages of scientific reports and voluminous correspondence from NGOs

92 For this they travelled to the US, meeting dignitaries such as Hillary Clinton and the Kennedy family.

93 Australian Parliament 1999b.

94 Australian Parliament 1999b, p. viii.

95 Environment Australia 1999.

96 GAC 1999.

97 *Ibid.*, p. 8.

98 *Ibid.*, pp. 8-17.

across the globe.⁹⁹ The meeting heard from Senator Robert Hill on behalf of the Australian Government and, in a world first, from Yvonne Margarula on behalf of her country and the Mirarr people. In his address Senator Hill effectively divided cultural and scientific matters into distinct spheres, addressing them separately from within the one technical rational framework. Senator Hill emphasised that Australia fully supported the recommendations of the Independent Scientific Panel (convened by the Bureau in 1998) and would work toward consensus on agreed outstanding matters of science.¹⁰⁰ In relation to cultural concerns, Senator Hill argued that internal processes and dialogue were more appropriate than any international intervention from UNESCO.¹⁰¹ Importantly, Australia also outlined that it had managed to negotiate, in addition to the sequencing of the Ranger mine and Jabiluka project, “a pause that would allow the building of a better environment in which to carry out the cultural assessments”.¹⁰²

All three advisory bodies to the Committee, IUCN, ICOMOS and ICCROM, “called for Kakadu National Park to be inscribed on the List of World Heritage in Danger.” In their statements the advisory bodies reiterated the final conclusion of the UNESCO mission and referenced “continuing scientific uncertainties relating to the water management and retention system and disposal of tailings at the Jabiluka mine, visual encroachment on the integrity of Kakadu and threats to the tangible and associative cultural values of the Park”.¹⁰³

In her historic address Yvonne Margarula, speaking in her traditional Gundjeihmi language, addressed the question of sacred sites, noting that “Aboriginal people do not invent stories about our culture and our sacred sites. Our law is true.”¹⁰⁴ Underlining that any discussion about sacred sites was very intense, Ms Margarula said Aboriginal people “must speak with the truth when we talk about these things” and that she hoped Senator Hill would listen to Mirarr concerns. She was especially eloquent on the appropriateness of the ‘In Danger’ proposal before the Committee.

“Some of the information presented today casts aspersions on our traditional beliefs about the location of sacred sites. We feel that still we are not believed and trusted about these issues. The label in-Danger is an appropriate way to describe the situation we find ourselves in. This is a dangerous issue for us. And, so that is what I would wish to see placed is this description.”¹⁰⁵

99 Audio interview of Bernd von Droste by Christina Cameron and Mechtild Rössler, Paris, 5 April 2007, cited in Cameron and Rössler 2013, p. 172.

100 UNESCO 1999, p. 7. It is noteworthy that the technical rationality of the ‘administered world’ (as described in Horkheimer and Adorno 2002), with its separation of the universe into the discrete spheres of ‘nature’ and ‘culture’, underpins the World Heritage Convention itself and, naturally enough, well served the Australian Government in its management of the Kakadu debate.

101 UNESCO 1999, p. 8.

102 UNESCO 1999, p. 9.

103 UNESCO 1999.

104 *Ibid.*, p. 54.

105 *Ibid.*

As delegates, in turn, addressed the question as to whether Kakadu should be listed as 'In Danger' the efficacy of Australia's lobbying efforts and the reluctance of Committee members to intervene into the affairs of an otherwise widely respected State Party became evident. A grouping of States opposed to the listing quickly emerged and emphasised that it was "not appropriate to include Kakadu on the List of World Heritage in Danger at this time" and that "the development of a program of corrective measures in cooperation with the State Party" should be undertaken.¹⁰⁶ The strong support Australia enjoyed from the United States was critical in the closing moments of the debate, with the US stating that "out of respect for Australia's sovereignty", the "concerns raised here today can be addressed adequately without placing Kakadu on the List in Danger".¹⁰⁷ In supporting the move to not list Kakadu as 'In Danger', Zimbabwe – which as an African country had experienced "similar violations of its cultural values by Europeans settlers" – appealed to the Australian Government "to respect the values, the sacred values of the Mirarr people and to increase its dialogue with those people".¹⁰⁸

In the end, the extraordinary session decided against inscribing Kakadu on the List of World Heritage in Danger and instead held that the Australian Government should submit a progress report on cultural mapping, social and welfare benefits, and details of the output and scale of any parallel activities at Ranger and Jabiluka by 15 April 2000. The decision also expressed concern "about the lack of progress with the preparation of a cultural heritage management plan for Jabiluka", establishing the focus of its future interest in the matter.¹⁰⁹ Supporters of the Mirarr were divided in their response to the decision, with some environment groups mistakenly interpreting confidential meetings between the Australian Government and the Mirarr delegation as signalling that a 'deal' had been done whereby the Mirarr capitulated on their request for an 'In Danger' listing. In turn, the GAC defended the final outcome on the basis of gains secured and the ongoing delay of Jabiluka's development.¹¹⁰ For his part, the former World Heritage Committee chairperson Francioni was disappointed:

"I would have liked to see more courage, a bolder Committee ... Kakadu was a very important case because of the ... natural value but also because of the local communities ... That was a decision I would have liked to see on the part of a treaty body like the World Heritage Committee that unfortunately was not made."¹¹¹

Subsequent meetings of the Bureau and Committee saw a steady scaling down of interest and activity on the part of the Centre and UNESCO in general. If the foundations for this more 'hands-off' approach were laid in Paris in July 1999 they were no more clearly demonstrated

106 *Ibid.*, p. 11.

107 *Ibid.*, p. 86.

108 *Ibid.*, p. 87.

109 *Ibid.*, p. 23.

110 Fagan 1999a.

111 Cameron and Rössler 2013, p. 230.

than at the Cairns 2000 Committee meetings. Here it was no longer a case of direct dialogue between Mirarr and Committee members but of negotiations between Australia and the Mirarr. The deft dissection by the Australian Government of the natural and cultural aspects of the debate effectively rendered a cornerstone of the Mirarr argument (that the inseparability of the physical and cultural in the Indigenous worldview constitutes the need for a significantly higher threshold of environmental protection and that the effects of physical damage have widespread social ramifications, well beyond the mining 'footprint') null and void. The cultural supremacy of Western science within UNESCO (embodied in the work of the Independent Scientific Panel) served to demonstrate that Australia was genuinely addressing outstanding environmental matters. Meanwhile, attention on 'cultural concerns' was relegated to a focus on the dispute between Australia and the Mirarr on the development of a cultural heritage management plan for the proposed mine site, with inordinate attention paid to the voluminous correspondence between the parties.¹¹² Fortunately for the Mirarr the significance of the Kakadu World Heritage debate for their broader struggle to prevent Jabiluka's development was lessened with the new campaign opportunities afforded by Rio Tinto's acquisition of the property in August 2000.

Conclusion

The Jabiluka matter was somewhat more satisfactorily 'settled' (to the extent that it can be in the present) outside both Australian land rights and environmental law and the World Heritage Convention via a direct contract between the Mirarr People and the mining company ERA under the agreement of its parent company Rio Tinto. It is unfortunate that the agency of the Mirarr and the GAC in successfully negotiating the so-called Jabiluka Long Term Care and Maintenance Agreement with Rio Tinto (following commitments by the company's chairperson, Sir Robert Wilson, in 2002 that Jabiluka would not be developed without community support) is downplayed by most commentators.¹¹³ Implicit in such analyses is that the Jabiluka settlement derived from the good grace of Rio Tinto. They place the company's decisions within a discourse of increasing international corporate social responsibility, effectively and unfortunately casting the Mirarr in a distinctly passive role as the recipients of industrial beneficence.¹¹⁴

The confidence of the Mirarr traditional owners that they might one day finally end the Jabiluka dispute was boosted in recent times with the decision by the Australian Government that the Koongarra uranium deposit in Kakadu would not be mined but instead incorporated into the national park.¹¹⁵ This action resulted from the long-standing opposition of the Djok traditional owner of the Koongarra area, Jeffrey Lee, to uranium mining on his land and a commitment

112 See UNESCO 2000.

113 In addition to statements in reply to questions at both the UK and Australian annual general meetings of Rio Tinto, the chairman explicitly committed to no mining at Jabiluka without Mirarr consent on the BBC, see Sebastian 2002. The GAC played a pivotal, although undisclosed, role in both the AGM questions and the BBC interview.

114 See especially Trebeck (2009) and Altman (2012). For a more even-handed summary see Scambary 2013.

115 Mining is prohibited in federal national parks. The Djok clan, in whose land the Koongarra uranium deposit is located, are clan neighbours to the Mirarr people and are in a so-called 'company clan' relationship with the Mirarr.



Jeffrey Lee and Stewart Gangali outside the UNESCO building in Paris after the World Heritage Committee added Koongarra to the Kakadu World Heritage area. Photo: Justin O'Brien

by the federal Australian Labor Party that Koongarra would not be mined.¹¹⁶ Mr Lee, who was awarded the Order of Australia in 2012 for his efforts to protect his traditional land and offer it for inclusion in Kakadu National Park, has publicly acknowledged the inspiration and support he has received over the years from the Mirarr people and particularly from Yvonne Margarula. A small delegation of the Gundjeihmi Aboriginal Corporation accompanied Mr Lee to Paris in 2011 to facilitate a minor boundary modification to the Kakadu World Heritage area to include the Koongarra area.¹¹⁷ In February 2013 the Australian Government legislated to incorporate Koongarra into Kakadu National Park, thereby ruling out any mining of the site.

It is without doubt that the international prominence of the Kakadu World Heritage debate delivered the Mirarr significant leverage in their negotiations with Rio Tinto. The World Heritage Committee proved an effective international stage to highlight the impacts of the imminent destruction of country and culture in a remote but significant corner of the globe. That the Committee and the Convention itself were arguably not able to adequately protect Kakadu but deferred instead to the State Party intent on mining is an enduring disappointment. It should be remembered, however, that the Jabiluka debate is not ended but merely in a lull. ○

¹¹⁶ See Murdoch 2007. The federal branch of the Liberal Party, Australia's conservative party, largely concurred with the Labor Party's view on Koongarra.

¹¹⁷ UNESCO 2011, pp. 248-249. Ms Margarula has to date sadly received no official government recognition for her decades-long struggle to protect her land in Kakadu from mining.

References

- ABC.** 1998. Environment Minister dismisses concerns that the Kakadu National Park is under threat from the Jabiluka uranium mine. *Radio National: Breakfast*, 25 June 1998.
- Altman, J.** 1998. *Statement received from Professor Jon Altman, prepared jointly with Dr Roy Green (24 November 1998)*. UNESCO Doc. WHC-99/CONF.204/INF.9A, Annex I.
- Altman, J.** 2012. Indigenous Rights, Mining Corporations, and the Australian State. S. Sawyer and E. T. Gomez (eds.), *The Politics of Resource Extraction: Indigenous Peoples, Multinational Corporations, and the State*. London, Palgrave Macmillan, pp. 46-74.
- Anthony, J.D.** 1978. *Ranger Uranium - Agreement with the NLC: Options for early conclusion*. Cabinet Submission by J. D. Anthony, Chairman, Ad Hoc Committee (Uranium) and Minister for Trade and Resources, Canberra, 17 October 1978.
- Aplin, G.** 2004. Kakadu National Park World Heritage Site: Deconstructing the Debate, 1997–2003. *Australian Geographical Studies*, Vol. 42(2), pp. 152–174.
- Australian Institute of Aboriginal Studies. Uranium Impact Project Steering Committee.** 1985. *Aborigines and Uranium: Consolidated Report on the Social Impact of Uranium Mining on the Aborigines of the Northern Territory*. Canberra, Australian Government Publishing Service.
- Australian Parliament.** 1999a. *ECITA Legislation Committee Estimates Hansard*. Canberra, Government Printer, 10 February 1999.
- Australian Parliament.** 1999b. *Jabiluka: The Undermining of Process - Inquiry into the Jabiluka Uranium Mine Project, by the Senate Environment, Communications, Information Technology and the Arts References Committee*. Canberra, Government Printer.
- Beale, R.** 1998. Confidential letter to Minister for the Environment and Heritage entitled "Kakadu World Heritage Issues: Planning". Environment Australia, 23 December 1998 (on file with author).
- Bininj Gunwok Project.** 2013. Karri-borlbme Kun-wok ('learning language'): entry 'Bininj'. <http://words.bininjgunwok.org.au/words/bininj> (Retrieved 3 March 2013).
- Cameron, C. and Rössler, M.** 2013. *Many voices, one vision: the early years of the World Heritage Convention*. Farnham, Ashgate.
- Ceresa, M.** 1998. Digging in for a fight. *The Weekend Australian*, 18 April 1998, p. 23.
- Cleere, H.** 1997. Letter to Bruce Donald, ICOMOS, 4 July 1997 (on file with author).
- Confino, A.** 2006. *Germany as a culture of remembrance: promises and limits of writing history*. Chapel Hill, University of North Carolina Press.
- Director of National Parks.** 2007. *Kakadu National Park: Management Plan 2007 - 2014*. Darwin, Parks Australia North.
- Downer, A. (Minister for Foreign Affairs).** 1998. Letter to His Excellency Mr Federico Mayor Zaragoza, Director-General UNESCO, 24 November 1998 (on file with author).
- Environment Australia.** 1999. *Australia's Kakadu – Protecting World Heritage: Response by the Government of Australia to the UNESCO World Heritage Committee regarding Kakadu National Park*. Canberra, Commonwealth of Australia.
- European Parliament.** 1998. *Uranium Mining Urgency Resolution* (on the proposed Jabiluka Uranium Mine). Adopted on 15 January 1998.
- Fagan, M.** 1999a. *Aboriginal Self-Determination within the United Nations*. Jabiru, Gundjehmi Aboriginal Corporation.
- Fagan, M.** 1999b. UNESCO Special Mission to Kakadu National Park. *Indigenous Law Bulletin*, Vol. 4, Issue 17, p. 16.
- Francioni, F. (World Heritage Committee Chairperson).** 1998. Letter to Australian Minister for the Environment, Senator Robert Hill, 25 November 1998 (on file with author).
- GAC.** 1996. *Senior Traditional Owner of Jabiluka announces opposition to proposed mine*. Media release by Gundjehmi Aboriginal Corporation, 17 June 1996.
- GAC.** 1997a. *This is bullshit*. Media release by Gundjehmi Aboriginal Corporation, 9 December 1997.
- GAC.** 1997b. *"We are not talking about mining": The history of duress and the Jabiluka Project*. Jabiru, Gundjehmi Aboriginal Corporation.
- GAC.** 1998. *Mirrarr Living Tradition In Danger, World Heritage In Danger: Submission to the World Heritage Committee Mission to Kakadu*. Jabiru, Gundjehmi Aboriginal Corporation, October 1998.
- GAC.** 1999. *Submission from the Mirrar People to the UNESCO World Heritage Committee, ICCROM and ICOMOS in relation to the Australian Government's report "Australia's Kakadu: Protecting World Heritage"*. Jabiru, Gundjehmi Aboriginal Corporation. May 1999.

- Grey, T. 1994.** *Jabiluka: The Battle to Mine Australia's Uranium*. Melbourne, Text Publishing Company.
- Hamilton, C. 1996.** *Mining in Kakadu: Lessons from Coronation Hill*. Lecture to the Parliamentary Library 'Vital Issues' Seminar Series Parliament House, Canberra, 19 June 1996. Canberra, The Australia Institute.
- Hill, R. 1996.** *Hill delivers on Jabiluka commitment*. Media release by Leader of the Government in the Senate and Minister for the Environment, Senator Robert Hill. 28 June 1996.
- Hill, R. 1997.** Letter to Senator the Hon Warwick Parer, Minister for Resources and Energy, from the leader of the Government in the Senate and Minister for the Environment, 22 August 1997 (on file with author).
- Hill, R. 1998.** Letter to Professor Francesco Francioni, Chairperson of the World Heritage Committee, from the Leader of the Government in the Senate and Minister for the Environment, 24 November 1998 (on file with author).
- Horkheimer, M. and Adorno, T.W. 2002.** *Dialectic of enlightenment: Philosophical fragments* (E. Jephcott, Trans.). Stanford, Stanford University Press.
- Ishwaran, N. (UNESCO World Heritage Centre). 1997.** Letter to Bruce Donald re Kakadu National Park - proposed uranium mine at Jabiluka, 18 February 1997 (on file with author).
- IUCN. 1997.** *Resolutions and Recommendations, World Conservation Congress, Montreal, Canada 13–23 October 1996*. Gland, International Union for Conservation of Nature and Natural Resources.
- IUCN. 1998.** Statement on the State of Conservation of Australian World Heritage sites and specifically relating to Kakadu National Park (Bureau of the World Heritage Committee, Twenty-Second Session). UNESCO Doc. WHC-98/CONF.202/INF.2, Annex VI.
- Katona, J. 1998.** Letter to Dr Bernd von Droste. Gundjeihmi Aboriginal Corporation, 13 October 1998 (on file with author).
- Lawrence, D. 2000.** *Kakadu: the making of a national park*. Melbourne, The Miegenyah Press/ Melbourne University Press.
- Logan, W. 2013.** Australia, Indigenous peoples and World Heritage from Kakadu to Cape York: State Party behaviour under the World Heritage Convention. *Journal of Social Archaeology*, Vol. 13, No. 2, pp. 153–176.
- MacDonald, J. 1999.** Dirty tricks claim over Kakadu. *The Age*, 17 February 1999.
- Masterson, A. 2010.** *The Mirarr: yesterday, today and tomorrow: a socioeconomic update*. Jabiru, Gundjeihmi Aboriginal Corporation.
- Mulvaney, D. J. 1998.** The Landscape of the Aboriginal Imagination and its Heritage Significance: some observations to introduce World Heritage experts to Australian Cultural Landscapes. Unpublished paper.
- Mulvaney, D.J. 2007.** *'The Axe Had Never Sounded': Place, People and Heritage of Recherche Bay, Tasmania*. Canberra, ANU E Press and Aboriginal Heritage Incorporated.
- Murdoch, L. 2007.** Sole survivor sitting on a \$5b fortune. *Sydney Morning Herald*, 14 July 2007.
- O'Brien, J. 2003.** Canberra yellowcake: the politics of uranium and how Aboriginal land rights failed the Mirarr people. *Journal of Northern Territory History*, Vol. 14, pp. 79-91.
- Panter, R. A. 1991.** *Uranium Policies of the ALP, 1950-1990*. Background Papers (Science, Technology and Environment Group). Canberra, Parliamentary Library.
- Parer, W. 1997.** *Parer clears Jabiluka to proceed*. Media release by Federal Minister for Resources and Energy, Senator Warwick Parer. 8 October 1997.
- Roberts, R., Jones, R. and Smith, M.A. 1990.** Thermoluminescence dating of a 50,000-year-old human occupation site in northern Australia. *Nature*, Vol. 345, pp. 153-156.
- Ryan, C. 1998.** Mining the memory to save her people's land. *The Age* 5.
- Scambary, B. 2013.** *My Country, Mine Country: Indigenous people, mining and development contestation in remote Australia*. Canberra, ANU Press.
- Sebastian, T. 2002.** The business of caring: BBC Hardtalk interview with Sir Robert Wilson. London, BBC World.
- Sullivan, S. 1998a.** Letter from First Assistant Secretary Australian and World Heritage Group, Sharon Sullivan, to Delegates of the Twenty-second session of the World Heritage Committee meeting in Kyoto. Environment Australia, 20 November 1998 (on file with author).
- Sullivan, S. 1998b.** Letter to Mr Bernd von Droste, Director World Heritage Centre re State of Conservation of a Selected Number of Australian World Heritage sites. Environment Australia, World Heritage Unit, 19 June 1998 (on file with author).
- The Wilderness Society. 1998.** Urgent fax regarding accreditation at World Heritage Committee (on file with author).
- Trebeck, K. 2009.** Corporate responsibility and social sustainability: Is there any connection? J. Altman and D. Martin (eds.), *Power, Culture, Economy: Indigenous Australians and Mining*. Canberra, ANU E Press, pp. 127-148.
- UNESCO. 1997.** *Report of the Rapporteur of the Extraordinary session of the Bureau of the World Heritage Committee (Naples, 28 – 29 November 1997)*. Doc. WHC-97/CONF.208/4B.

- UNESCO. 1998a.** *Report of the Rapporteur of the twenty-second session of the Bureau of the World Heritage Committee (Paris, 22-27 June 1998)*. Doc. WHC-98/CONF.202/INF.2.
- UNESCO. 1998b.** *Report of the Rapporteur on the twenty-second extraordinary session of the Bureau of the World Heritage Committee (Kyoto, 27-28 November 1998)*. Doc. WHC-98/CONF.203/5.
- UNESCO. 1998c.** *Report on the Mission to Kakadu National Park, Australia, 26 October to 1 November 1998*. Doc. WHC-98/CONF.202/INF.3 Rev. / WHC-98/CONF.203/INF. 18.
- UNESCO. 1998d.** *World Heritage Committee, Twenty-second session, Kyoto, Japan, 30 November – 5 December 1998: Report*. Doc. WHC-98/CONF.203/18.
- UNESCO. 1999.** *World Heritage Committee, Third extraordinary session, Paris, UNESCO Headquarters, 12 July 1999: Report of the Rapporteur*. Doc. WHC-99/CONF.205/5Rev.
- UNESCO. 2000.** *World Heritage Committee, Twenty-fourth session, Cairns, Australia, 27 November – 2 December 2000: Report*. Doc. WHC-2000/CONF.204/21.
- UNESCO. 2011.** *World Heritage Committee, Thirty-fifth Session, Paris, UNESCO Headquarters, 19-29 June 2011: Summary Record*. Doc. WHC-11/35.COM.INF.20.
- von Droste, B. 2009.** *The Uranium Mining Controversy in Kakadu*. Unpublished paper (on file with author).
- Wardrop, M. 1998.** Letter from Martin Wardrop, Assistant Secretary World Heritage and Wilderness Branch to Jacqui Katona. 4 September 1998 (on file with author).
- Wasson, R. J. et al. 1998.** *The Jabiluka Project: Environmental Issues that Threaten Kakadu National Park: Submission to UNESCO World Heritage Committee Delegation to Australia*. October 1998.
- Whitlam, G. 1998.** Facsimile letter to Anne Siwicki of Australian Embassy, Paris. 19 June 1998 (on file with author).